

MINERAL RESOURCES

Goals

Mineral and Energy Supplies. Make metallic and non-metallic minerals, coal, oil and gas, and geothermal resources available to contribute to the energy and mineral supplies and independence of the United States and Alaska.

Economic Development. Contribute to Alaska’s economy by making subsurface resources available for development, which will provide job opportunities, stimulate economic growth, and establish a source of state revenues.

Environmental Quality and Cultural Values. When developing subsurface resources, protect the integrity of the environment and affected cultures.

State Support for Mining. Aid in the development of infrastructure (ports, roads, railroads, etc.) and continue to provide geologic mapping and technical support to the mining industry.

Management Guidelines

A. Mineral Exploration. By statute, exploration for locatable minerals is allowed on all state lands except those specifically closed to location. A land use permit is required under most circumstances. Hand prospecting and exploration activities generally do not require a permit. DNR may determine that some forms of access will not be allowed in specific areas to avoid resource damage.

B. Open to Mineral Location. By statute, all state lands are open to mineral location unless specifically closed. Where an area is open to mineral location, a miner has the right to stake a mining location regardless of the surface use designation or classification. Any adverse effects of mining on surface resources or uses will be managed through compliance with state laws and regulations and borough ordinances and management intent and guidelines in this plan. Reclamation activities are regulated under the Mining Reclamation Act (AS 27.19) and state regulations (11 AAC 97).

C. Mining in Fish Habitat. When DNR issues a permit for mining in or adjacent to a fish stream, conditions of the permit will require any necessary measures, such as levees, berms, seasonal restrictions, and settling ponds, that will allow the operation to meet water quality standards, and statutes and regulations governing the protection of fish. Mining in fish streams requires permits from DEC and ADFG. ADFG permits are not required in marine waters or estuarine areas outside of the intertidal channel exposed at mean low water.

D. Offshore prospecting permits (OPP). Under AS 38.05.250 an exclusive right to prospect for deposits of minerals offshore may be granted through authorizations issued by DNR. DNR determines what areas will be offered for offshore prospecting. No areas in the planning area are currently open for permits. If workable mineral deposits are found offshore, the permittee must apply for a lease in order to develop the mineral deposit. Units designated Fish and Wildlife Habitat because of high fish or wildlife habitat values are areas of significant surface use by fish or wildlife. The Alaska Department of Fish and Game has stated that it has initially determined mining in estuarine areas designated Fish and Wildlife Habitat to be a nonconforming use under the ACMP. ACMP procedures will be used to determine whether mining can be made a conforming use and, if mitigation is possible, the appropriate mitigating measures needed to protect fish and wildlife resource values.

E. Mineral closing and leasehold location orders

There are two mineral orders that were adopted as part of this plan, Mineral Closing Order 738 and Leasehold Location Order 21. In addition, closing an area is recommended to the legislature. The two adopted orders affect mining activities along segments of six river systems in the planning area. The areas affected are shown in Figure 2.1 later in this section and are described by region in Chapter 3. The mineral orders that were adopted as part of this plan are included in Appendix B.

Mineral Leasehold Location Order 20 was adopted in 1997, at the same time as the Kenai River Comprehensive Plan was adopted. This order applies to the Cooper Landing and Moose Pass areas. For more information on this order, see Chapter 3, Region 4, Guideline E, *Mineral Closure of Land in KRSMA and Leasehold Location Order on Lands to be included in KRSMA*.

1. Leasehold Location Order

Segments of six river systems (Kasilof River, Ninilchik River, Stariski Creek, Deep Creek, Anchor River, and upper Russian River) are subject to Leasehold Location Order 21. The order applies to the state-owned subsurface estate under segments of these rivers. Where the subsurface estate adjacent to these river segments is in state ownership, lands within 200 feet of ordinary high water on each side of the river are also subject to this order. Under this action, locatable minerals may be acquired only under the leasehold location system, AS 38.05.205, and may not be acquired by locating a mining claim under AS 38.05.195. Stipulations to be included in the leases are listed in the Leasehold Location Order in Appendix B.

Under this order, rights to locatable minerals may be acquired only under the Leasehold Location System, AS 38.05.205, and may not be acquired by locating a mining claim under AS 38.05.195. In the affected area, an approved Plan of Operations for a mineral lease takes the place of a Land Use Permit required for unleased land. If the proposed lease activities are so minor that they could take place without a Land Use Permit on unleased land, a plan of operations is not required (11 AAC 86.800). The Plan of Operations must show how the operator proposes to comply with the lease stipulations and other pertinent guidelines in this plan.

Potential use conflicts that would be avoided through this action are based on the fact that these rivers support significant sport and commercial fisheries and maintain significant populations of salmon, steelhead, rainbow trout, and Arctic char. These fisheries in turn support populations of brown bears and birds. Damage to the habitat of these rivers would have significant effects on the fishery, as well as its dependent economic and recreational uses.

DNR will not approve a plan of operation in the area subject to the order if the proposed activity would adversely affect fish passage, spawning, or rearing; other fish habitat; wildlife resources; recreational use; or the owner's use of adjacent private or municipal parcels. The ADFG must concur with all such approvals. Leasehold location is an appropriate measure to allow mineral development with minimal impacts on these river systems.

2. Administrative Mineral Closing Order

Background. For areas less than 640 contiguous acres, the Commissioner of DNR has the authority to apply mineral closures within the parameters set by the Alaska Statutes. AS 38.05.185(a) requires that the Commissioner determine that mining is incompatible with a significant surface use before an area can be closed to mining. The same section of the statute requires that the Commissioner determine that a potential use conflict exists before requiring that development of locatable minerals be conducted under lease. The fact that an area is closed to new mineral location will not be cause for denying access across state land. Mineral closures do not affect valid existing mineral locations.

Mineral Closing Order #738 that was adopted in conjunction with this plan closes to new mineral entry state-owned shorelands between the Russian River's mouth and the falls. The area affected is approximately 42 acres. Upstream of the falls, the land is subject to Leasehold Location Order 21. Since the subsurface estate under the lands adjacent to the Russian River is in federal ownership, the orders do not apply landward of ordinary high water.

This mineral closing order is based on a decision that mining is incompatible with the significant surface uses on the lower Russian River including habitat that supports significant sport and commercial fisheries and maintains significant populations of salmon and rainbow trout. These fisheries in turn support populations of brown bears and birds. Damage to the habitat of this river would have significant effects on the fishery, as well as its dependent economic and recreational uses.

3. Legislative Mineral Closures

Background. Closures of more than 640 contiguous acres requires an act of the legislature, except when the closure is necessary for land disposal, land exchange, or development of infrastructure (AS 38.05.300(a)). Since the closure proposed below is intended to protect fish habitat and recreation, legislative action is required.

Proposed Action. The shorelands of segments of six river systems (Kasilof River, Ninilchik River, Stariski Creek, Deep Creek, Anchor River, and upper Russian River) described in Leasehold Location Order #21 in Appendix B are proposed to the legislature for mineral closures. The beds of these rivers are recommended for closure to locatable mineral entry because mining activities would conflict with spawning, incubation, and rearing of the significant populations of anadromous and resident fish that live in these clear-water systems. These fisheries are essential to the sport, commercial, personal use fisheries as well as the wildlife and recreational uses that depend on the fishery. DNR will not impose an interim mineral closing order under AS 38.05.185 for the six river systems. However, if ADFG initiates a recommendation to the legislature for a legislative mineral closure that applies to these six river systems, DNR will not oppose this effort. If the legislature acts on this recommendation, the portion of Leasehold Location Order #21 that applies to the lands above ordinary high water within 200 feet of these rivers would remain in effect. However, the portion of the order that applies to the riverbeds would be rescinded.

F. Lands available for coal leasing and prospecting. Those lands that are currently available for coal leasing will continue to be available under this plan.

G. Oil and gas and other energy resources. The plan defers any decision regarding leasing for oil and gas to DNR’s existing leasing process. Oil and gas lease sales are not subject to this planning process but rather under the process established under AS 38.05.180. For recommendations to the legislature on oil and gas leasing in units added in the future to the State Park System, see the recommendation in Chapter 4, *Oil and Gas Leasing / Additions to the State Park System*.

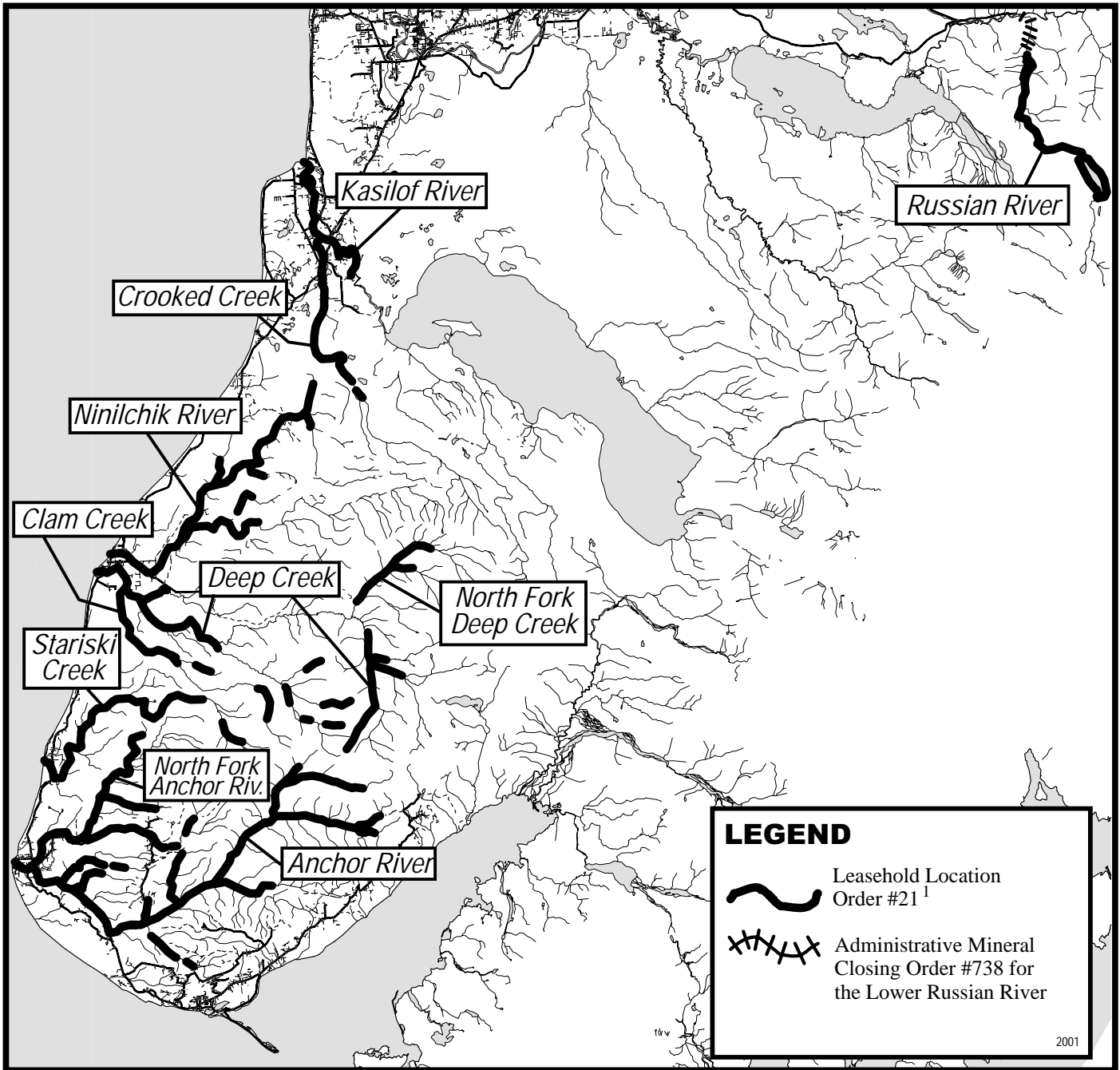
G. Other guidelines affecting mineral resources. See the *Waterfront Development* section for guidelines in this chapter for resource transfer sites that include sites for shipment of mineral resources. For more information on the Leasehold Location Order that affects the upper Kenai River drainage, see Chapter 3, Region 4, *Guidelines for Units located within the Kenai River Drainage*.

Resource Allocation Summary

Approximately 8,700 acres of state land along six river systems (Kasilof River, Ninilchik River, Stariski Creek, Deep Creek, Anchor River, and upper Russian River) are subject to Leasehold Location Order #21. Approximately 42 acres of the lower Russian River are closed to new mineral entry under Mineral Closing Order #738. In addition, portions of the areas subject to the Leasehold Location Order (those portions that are shorelands) are also proposed to the legislature for closure to new mineral entry.

The leasehold location and mineral closing orders and other policies resulting from this plan do not alter or replace existing regulations, nor do they affect any existing mineral closures in the area. The two mineral orders adopted as part of this plan affect only new exploration or development activities; any existing leases, prospecting permits, or claims are not affected.

Map 2.1 LEASEHOLD LOCATION ORDER #21 ADMINISTRATIVE MINERAL CLOSING ORDER #738



¹ This leasehold location order applies to shorelands and within 200' of ordinary high water where the DNR owns the subsurface estate. Where the subsurface estate is not state owned, the order does not apply.